

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)
Certificate of Service Authority and Tariff)
of Affinity Corporation)

Case No. XD-2005-_____

MOTION TO OPEN CASE AND CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificate of Service Authority it has granted to Affinity Corporation, as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. In November 1996 in Case No. TM-96-391, the Missouri Public Service Commission (Commission) granted a certificate of service authority to Affinity Corporation to provide interexchange telecommunications services. The Commission approved the company's tariff, P.S.C. MO. NO. 1, in the same case.

2. On December 11, 2001, Affinity Corporation's president executed Articles of Dissolution of the company, a Wisconsin corporation. Subsequently, the company filed a Corporate Dissolution or Liquidation form 966 with the Federal Internal Revenue Service.

3. The web site of the Office of the Missouri Secretary of State reports that the certificate of authority granted to Affinity Corporation, a Wisconsin corporation, was revoked December 15, 1995. A second entity with the same name, a Missouri corporation, was granted authority to do business in October 2000 but its certificate of authority was revoked in June 2001. Section 351.602.3 RSMo. (2000) states that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

4. In April 2005, Maurie Daigneau, who is reflected as the president of Affinity Corporation in the document filed with the Federal Internal Revenue Service, sent a fax to the Commission. In the fax, attached as Appendix A, the author indicated that Affinity Corporation had ceased operations in 2001.

5. For reasons that remain unclear, Affinity Corporation was not reflected as a certificated company by the Commission's Electronic Filing and Information System until 2004, although the company received its certificate of service authority in 1996. Accordingly, it appears the company may not have received communications from the Commission for some time between 2001 and 2004.

6. In keeping with the fact noted above that the company ceased operations in 2001, the Commission has not received Annual Reports from Affinity Corporation since Calendar Year 2000 (due in 2001). The Commission has not received Statements of Revenue from Affinity Corporation since approximately the same period, but the company owes no money to the Commission.

7. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2004), which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

8. Copies of this Motion are being served upon the address provided by the company via certified mail.

WHEREFORE, the Staff recommends the Commission cancel the cancel the Certificate of Service Authority it has granted to Affinity Corporation to provide interexchange telecommunications services, as well as the company's tariff, P.S.C. MO. NO. 1.

Respectfully submitted,

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/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 17th day of May 2005.

/s/ David A. Meyer

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